

DOCKET NO. 3:04-CR-00011-W

Defendant.

ORDER

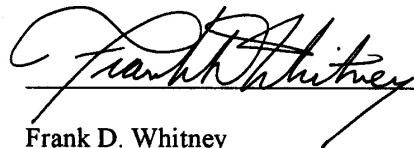
Pursuant to Rule 4(b)(4) of the Federal Rules of Appellate Procedure, the Court finds excusable neglect exists and hereby retroactively extends Defendant's deadline for filing his notice


of appeal for thirty days past the expiration of the Rule 4(b)(1) ten-day deadline, or until January 22, 2007. Therefore, the Court excuses Defendant's tardy notice of appeal, filed on January 10, 2007, and the notice is deemed timely filed.¹

IT IS, THEREFORE, ORDERED that Defendant's Motion to Excuse Late Filing of Notice of Appeal is GRANTED.

IT IS SO ORDERED.

Signed: February 27, 2007


Frank D. Whitney
United States District Judge



¹The Court acknowledges and agrees with the Government's argument that no issue is ripe for appeal. The record reflects Defendant waived his appellate rights as part of his plea agreement and during the Rule 11 plea colloquy. Nonetheless, the issue before this Court is not whether the appeal is jurisdictionally appropriate; rather, that is an issue to be determined by the Fourth Circuit.